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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**CENTER FOR BIOLOGICAL
DIVERSITY,**

Plaintiff,

v.

DIRK KEMPTHORNE, et al.,

Defendants.

Case No. 3:08-cv-04595 WHA

**STIPULATED REQUEST TO
STAY BRIEFING SCHEDULE
AND ORDER**

1 The Court's January 23, 2009 Scheduling Order provides that, in light of the parties'
2 settlement discussions, no later than February 13, 2009 they must either file a notice informing the
3 Court that they will proceed with litigation, or, alternatively request to stay the briefing schedule in
4 light of substantial progress in settlement discussions by that time.

5 At this time, the parties agree that they have made and are continuing to make substantial
6 progress towards settlement and therefore request that the Court stay the briefing schedule. The
7 parties anticipate that settlement discussions will be finalized, and they will be in a position to file a
8 proposed Settlement Agreement with the Court, no later than April 15, 2009.

9 Accordingly, it is hereby agreed and the parties stipulate, subject to the Court's approval,
10 that this action is hereby STAYED; and it is further agreed that, by no later than April 15, 2009, the
11 parties shall either file a proposed Settlement Agreement or a notice informing the Court about the
12 status of settlement negotiations.

13
14 Respectfully Submitted,

15 /s/ William S. Eubanks II

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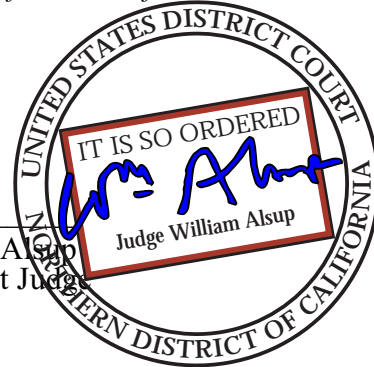
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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: February 17, 2009

William H. Alsop
U.S. District Judge



STIPULATED REQUEST TO
STAY BRIEFING SCHEDULE - 3